

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

OTIS ELEVATOR COMPANY,

Plaintiff,

v.

LOCAL 4, INTERNATIONAL UNION OF  
ELEVATOR CONSTRUCTORS, et al.,

Defendants.

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Civil Action No. 04-11108-JLT

ORDER

June 17, 2004

TAURO, J.

Upon review of Plaintiff's Motion for Preliminary Injunction [#16] and Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction [#18], this court hereby finds that: (1) a collective bargaining agreement is in effect; (2) the collective bargaining agreement contains a no-strike clause; (3) the dispute over the installation of the plunger/cylinder mechanism is covered by the grievance and arbitration provision of the collective bargaining agreement; (4) the Parties have alleged breaches of the collective bargaining agreement by each other; and (5) ordinary principles of equity warrant relief. It is, therefore, ordered that, pending the outcome of arbitration over the plunger/cylinder dispute:

1. Defendant Local 4, its officers, agents, representatives, members, employees, and

attorneys, and all persons in active concert or participation with them having notice from any source or in any manner of the entry of this Order be and hereby are enjoined and restrained from calling, causing, inducing, encouraging, authorizing, conducting, continuing in or engaging in any strike, concerted work stoppage, concerted work slow-down, sit-down, or refusal to work, or any other act in coercion or interference with Plaintiff's normal operations;

2. Plaintiff's bond shall remain in force and effect for the period that this Order is in effect;
3. The Parties are to arbitrate the dispute over the installation of the plunger/cylinder mechanism pursuant to the Expedited Labor Arbitration Procedures of the American Arbitration Association; and
4. Plaintiff, its officers, agents, employees, and attorneys are restrained from imposing discipline on Defendant Local 4's members over contract disputes between Plaintiff and Defendant Local 4 and from applying to this court for further equitable relief unless it has first offered to Defendant Local 4 the opportunity to arbitrate the underlying dispute pursuant to the Expedited Labor Arbitration Procedures of the American Arbitration Association.

IT IS SO ORDERED.

/S/ Joseph L. Tauro  
United States District Judge